

REMARKS

Reconsideration of this application is respectfully requested.

Information Disclosure Statement

The November 20, 2003 Office Action indicates that a copy of the non-patent literature reference labeled C1 is not present and that the reference has not been considered. Submitted herewith is a copy of reference C1. The relevance of the reference is identified in the PCT search report that was previously submitted with the October 3, 2003 IDS. An additional copy of the search report is enclosed for the Examiner's convenience. Applicants request that the Examiner consider the reference and return a copy of the previously submitted form 1449 indicating that the reference has been considered.

Claim Rejections and Amendments

Claims 1, 11, 12 and 16 have been amended to correct a typographical error by changing the second occurrence of "FORM-IV" in the table headings to --FORM-V--, as pointed out by the Examiner. Claim 16 has been further modified to clarify the phrase "schizophrenia related disorders" as supported by the specification at, for example, paragraph 31. Applicants submit that none of these amendments introduce new matter and entry is respectfully requested. Applicants submit that these amendments being made for clarity, and do not limit the scope of the claims nor exclude any equivalents.

The November 20, 2003 Office Action rejects claims 1-19 under 35 USC 112, first paragraph, alleging that the subject matter was not described in such a way to reasonably convey to one skilled in the art that the inventors were in possession of the invention at the time the application was filed.

Applicants note several apparent irregularities in this rejection. First, the Office Action refers to claims 43 and 44, which are not pending in the present application. In a telephone interview, the Examiner indicated that this should refer to claim 12. Second, applicants' representative asked the Examiner for an explanation as to why composition claims are being rejected when the rejection appears to be based upon the description of the disorders to be treated. According to the Examiner, pharmaceutical composition claims are considered unsupported if the underlying method is considered unsupported. Third, although this rejection is set forth as being

based upon a lack of written description, the second paragraph of the Office Action seems to present a non-enablement rejection, but it is not clear what claims, if any, are being rejected as non-enabled.

Applicants respectfully traverse this rejection. Although the irregularities described above make a precise reply difficult, in order to advance prosecution, applicants set forth the following bases for patentability and respectfully submit that any reassertion of this rejection in a future Office Action should clarify the rejection and be non-final.

Applicants first note that, according to the Examiner's explanation of the rejection, it is based on claim 12 and not claim 16. Accordingly, claim 16 therefore presents a sufficient basis for supporting composition claims 1-11. Further, claims 17-19, which depend from claim 16, should also be allowable.

As for claim 12 and claims dependent therefrom, applicants submit that these claims are fully supported by the specification. For example, uses of olanzapine are set forth in the various references described and incorporated by reference into the present specification. (See, for example, paragraphs 30-33). Further, U.S. Patent No. 5,736,541, which has been incorporated by reference into the present application, sets forth the claimed uses for other polymorphic forms of olanzapine. For at least these reasons, applicants submit that claims 1-19 are fully supported by the specification and should be allowed.

The November 20, 2003 Office Action also rejects claims 1, 8-12, 15, 16 and 19 under 35 USC 112, second paragraph as being indefinite. The Office Action sets forth a typographical error in the tables in claims 1, 11, 12 and 16 that have been corrected by the present amendment. Applicants submit that the rejection is now moot and request that it be withdrawn.

CONCLUSION

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. Accordingly, Applicants request that the Examiner indicate the allowability of claims 1-19 and the application pass to issue. If the

Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

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Respectfully submitted,

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